

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #8	CCRB Case #: 202006169	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/11/2020 5:55 PM	Location of Incident: § 87(2)(b)	Precinct: 25	18 Mo. SOL 3/11/2022	EO SOL 5/4/2022	
Date/Time CV Reported Mon, 09/14/2020 8:49 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 09/14/2020 8:49 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Farry Medinaramos	11763	956084	PSA 5

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM John Serrano	18583	965521	PSA 5
2. SGT Edward Bauccio	3777	952450	PSA 5

Officer(s)	Allegation	Investigator Recommendation
A. PO Farry Medinaramos	Abuse: Police Officer Farry Medinaramos questioned § 87(2)(b)	§ 87(2)(b)
B. PO Farry Medinaramos	Abuse: Police Officer Farry Medinaramos questioned § 87(2)(b)	§ 87(2)(b)
C. PO Farry Medinaramos	Abuse: Police Officer Farry Medinaramos questioned § 87(2)(b)	§ 87(2)(b)
D. PO Farry Medinaramos	Abuse: Police Officer Farry Medinaramos searched § 87(2)(b)	§ 87(2)(b)

Case Summary

On September 14, 2020, § 87(2)(b) a reporting non-witness, filed this complaint on behalf of § 87(2)(b) and § 87(2)(b) via the Call Processing System.

On September 11, 2020, at approximately 5:50 p.m., PO Farry Medinaramos and PO John Serrano of PSA 5 approached § 87(2)(b) in front of § 87(2)(b) in Manhattan for being in possession of marijuana. As PO Medinaramos asked § 87(2)(b) to identify herself, he questioned § 87(2)(b) and an unidentified individual (**Allegations A-C: Abuse of Authority, § 87(2)(g)** PO Medinaramos subsequently handcuffed § 87(2)(b) PO Medinaramos then removed § 87(2)(b) phone from § 87(2)(b) bag (**Allegation D: Abuse of Authority, § 87(2)(g)** PO Medinaramos issued § 87(2)(b) a summons for possession of marijuana at the location.

The investigation is in possession of PO Medinaramos and PO Serrano's body-worn cameras (BWC) and responding officers' BWC (Board Review 05).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Farry Medinaramos questioned § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Farry Medinaramos questioned § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Farry Medinaramos questioned § 87(2)(b)

Between 00:30-1:18 of PO Medinaramos' BWC, PO Medinaramos approaches § 87(2)(b) while she is sitting on the bench with her friends. PO Medinaramos then asks for § 87(2)(b) for identification. § 87(2)(b) and her friends appear to be calm and are either sitting on the bench or standing next to it. Although § 87(2)(b) and § 87(2)(b) did not allege this, at 1:18, PO Medinaramos asks everyone, "Anybody else got anything on them they're not supposed to have?" Everyone responds in the negative.

In their CCRB statement, § 87(2)(b) and § 87(2)(b) stated that as they walked to § 87(2)(b) with § 87(2)(b) and another friend, they noticed PO Medinaramos and PO Serrano by the building (Board Review 01 and 02). They denied consuming alcohol or drugs and stated that none of their friends did so. § 87(2)(b) stated that she did not recall if there was an odor of marijuana and that aside from her and her friends there was no one else in front of the building. § 87(2)(b) did not know why the officers were watching them, but § 87(2)(b) and her friends sat on the benches. § 87(2)(b) stated that she was aware that there was a blunt inside § 87(2)(b) bag. However, § 87(2)(b) stated that she did not know there was a blunt inside her bag and did not know when it was placed inside.

During the investigation, § 87(2)(b) did not answer the CCRB's contact attempts.

In their CCRB statement, PO Medinaramos and PO Serrano stated that they were working an overtime tour and assigned to a footpost at § 87(2)(b) to address shootings and quality of life offenses (Board Review 03). There had been issues with people committing quality of life offenses such as drinking, smoking, urinating in public, and playing loud music. PO Medinaramos has issued several dozens of summonses and over 50 arrests for marijuana-related crimes in his career. PO Medinaramos received marijuana training in the police academy and is HIDTA-trained (High intensity drug trafficking area) and SNEU-qualified. PO Medinaramos received the two aforementioned trainings in 2017 or 2018. Shortly after arriving at the location, PO Medinaramos

detected a strong smell of marijuana emanating from the area of § 87(2)(b) PO Medinaramos simultaneously saw a group of three or four people by the benches in front of the building. PO Medinaramos did not recall seeing any smoke. PO Medinaramos observed § 87(2)(b) holding a marijuana cigarette. From his training and experience PO Medinaramos believed there was marijuana in the cigarette because of how § 87(2)(b) held the cigarette and the way it was rolled. § 87(2)(b) had the marijuana cigarette with her index and thumb. PO Medinaramos stated that as they approached § 87(2)(b) § 87(2)(b) placed the marijuana cigarette inside her black plastic bag. At this point, PO Medinaramos' purpose was to approach and address the marijuana offense.

During his CCRB interview, PO Medinaramos reviewed his BWC between 1:10 – 1:20, and stated that he asked everyone, "Nobody else got anything on them they're not supposed to have," to ensure that no one had weapons and to ensure that he and his partner were safe. PO Medinaramos stated that in the past he had asked that question and people voluntarily gave him weapons. There was no other reason PO Medinaramos believed that anyone had weapons on them. § 87(2)(b) was being detained at this point because of the marijuana cigarette, but everyone else was free to leave. In his CCRB statement, PO Serrano also stated that everyone else besides § 87(2)(b) was free to leave.

Officers need founded suspicion that criminality is afoot in order to conduct a common law inquiry, such as asking accusatory questions, People v. De Bour 40 N.Y.2d 210 (1976) (Board Review 10). Founded suspicion may be based upon the knowledge possessed at that moment and any reasonable inferences.

Although PO Medinaramos approached § 87(2)(b) based on his observations of her holding a marijuana cigarette and the odor of marijuana, he did not observe anyone else committing any crimes. Additionally, in his CCRB interview, he asked the accusatory question solely for the purpose of seeing if anyone had weapons. However, aside from past experiences of people voluntarily giving him weapons when he asked the question, there were no additional reasons as to why he believed the other civilians would have weapons. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Farry Medinaramos searched § 87(2)(b)

In his CCRB statement, § 87(2)(b) stated that before PO Medinaramos handcuffed § 87(2)(b) § 87(2)(b) gave her phone to her to call § 87(2)(b) mother (Board Review 01). After § 87(2)(b) used § 87(2)(b) phone, § 87(2)(b) placed it inside her purse. PO Medinaramos subsequently told § 87(2)(b) to give § 87(2)(b) phone to him and § 87(2)(b) refused. § 87(2)(b) held § 87(2)(b) phone inside her purse at this point. PO Medinaramos continued to tell § 87(2)(b) to give him the phone. PO Medinaramos then placed his hand inside § 87(2)(b) purse and grabbed the phone from § 87(2)(b) hand.

§ 87(2)(b) did not testify to this allegation in her CCRB interview.

In his CCRB statement, PO Medinaramos stated that when § 87(2)(b) passed her phone to § 87(2)(b) it made him uncomfortable because he did not want property of someone detained to get lost or false allegations of property being stolen or lost (Board Review 03). § 87(2)(b) placed the phone in her bag or purse. After § 87(2)(b) refused to give him § 87(2)(b) phone, PO Medinaramos took the phone from inside § 87(2)(b) bag or purse. PO Medinaramos and PO Serrano then waited for additional units to transport § 87(2)(b) to the

stationhouse. Upon Sgt. Edward Bauccio's arrival, Sgt. Bauccio instructed PO Medinaramos to issue § 87(2)(b) a summons on the scene. PO Medinaramos obtained a summons from another officer, issued the summons for possession of marijuana to § 87(2)(b) and returned § 87(2)(b) phone.

PO Serrano stated that he did not recall this incident (Board Review 04).

At 3:24 of PO Medinaramos' BWC, a female (identified via the investigation as § 87(2)(b)) is holding § 87(2)(b) phone and tells PO Medinaramos that she will call § 87(2)(b) mother (Board Review 05). § 87(2)(b) subsequently calls § 87(2)(b) mother with § 87(2)(b) phone. At 4:06, PO Medinaramos reaches his hand out towards § 87(2)(b) while she is speaking on the phone. An older female pushes § 87(2)(b) hand out of PO Medinaramos' reach. PO Medinaramos then states, "She § 87(2)(b) keeps her property." At 4:16, § 87(2)(b) says, "I want her to keep my phone." § 87(2)(b) places § 87(2)(b) phone in her black purse. At 4:17, PO Medinaramos reaches and sticks his hand inside § 87(2)(b) purse and states, "That's § 87(2)(b) phone." PO Medinaramos pulls § 87(2)(b) purse towards him while § 87(2)(b) is pulling her purse in the opposite direction. PO Medinaramos then removes § 87(2)(b) phone from § 87(2)(b) purse and says he does not give out property.

"An officer may not frisk a person's bag or other item of personal property unless the officer has reasonable suspicion to believe that the person is armed and dangerous and that bag or item of personal property could contain a weapon and is within the person's reach", Patrol Guide Procedure 221-11 (Board Review 09).

Given PO Medinaramos's account, he reached inside § 87(2)(b) purse exclusively to retrieve § 87(2)(b) phone and was not searching for weapons or possible evidence of a crime. Moreover, although he said his reasons for retrieving § 87(2)(b) phone was to prevent the phone from being lost or prevent unwarranted allegations of it being lost or stolen, § 87(2)(b) stated that she wanted § 87(2)(b) to keep her phone and PO Medinaramos and PO Serrano activated their BWC to record the interaction. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b)
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- This is the first CCRB complaint to which § 87(2)(b) has been a party.
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- PO Medinaramos has been a member of service for seven years and has been a subject in one CCRB complaint and two allegations, none of which were substantiated.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of June 22, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (Board Review 11).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]

Squad: 8

Investigator:	<u>Patrick Yu</u>	<u>SI Patrick Yu</u>	<u>10/25/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date